

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Miriam Lynch	Team: Squad #9	CCRB Case #: 201605910	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 07/07/2016 6:00 AM	Location of Incident: The § 87(2)(b) [REDACTED]	Precinct: 75	18 Mo. SOL 1/7/2018	EO SOL 1/7/2018	
Date/Time CV Reported Mon, 07/11/2016 10:16 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 07/11/2016 10:16 AM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Michael Seiger	16689	952225	075 PCT
2. DTS Robert Mayer	5320	940441	075 PCT
3. LSA Michael Doyle	00000	917072	075 PCT
4. DTS David Grieco	3078	940216	075 PCT
5. An officer			

Officer(s)	Allegation	Investigator Recommendation
A.DTS Robert Mayer	Abuse: Detective Robert Mayer entered and searched § 87(2)(b) [REDACTED] in Brooklyn.	[REDACTED]
B.POM Michael Seiger	Abuse: Police Officer Michael Seiger entered and searched § 87(2)(b) [REDACTED] in Brooklyn.	[REDACTED]
C.DTS Robert Mayer	Abuse: Detective Robert Mayer threatened to arrest § 87(2)(b) [REDACTED]	[REDACTED]
D. An officer	Abuse: An officer stopped an individual.	[REDACTED]
E.LSA Michael Doyle	Abuse: Lieutenant Michael Doyle entered and searched § 87(2)(b) [REDACTED] in Brooklyn.	[REDACTED]
F.DTS David Grieco	Abuse: Detective David Grieco entered and searched § 87(2)(b) [REDACTED] in Brooklyn.	[REDACTED]

Case Summary

On July 7, 2016, at approximately 6:00 a.m. § 87(2)(b) was smoking a marijuana joint in the back yard of § 87(2)(b) in Brooklyn, where he resides. § 87(2)(b) rents a room in the basement of § 87(2)(b) which is legally listed as a two-apartment home. An unknown male individual who resided on the first floor of the apartment came outside, and smoked some of the joint with § 87(2)(b) and this male individual then went into the first floor of the residence. The back yard is accessible to both the first floor and the basement of the building, through two doors, one leading to each respective level.

At the same time that § 87(2)(b) was smoking the marijuana, Lt. Michael Doyle, Det. Robert Mayer, Det. David Grieco, and PO Michael Seiger, all of the 75th Precinct, and Sgt. Derrick Johnson and an unidentified officer of the Warrants section were knocking on the door, in order to apprehend § 87(2)(b) an individual who lived at § 87(2)(b) and for whom they had a Baltimore arrest warrant for armed robbery and a New York City I-card for aggravated harassment. They had information, from a prisoner debriefing, that § 87(2)(b) possessed a firearm. The officers had not received a response to their knocking on the door, when Det. Mayer saw two individuals in the back yard of § 87(2)(b) that potentially matched the description of § 87(2)(b).

Lt. Doyle, Det. Grieco, and PO Seiger then gained access to the back yard of § 87(2)(b) by entering a neighbor's house, going to their back yard, and jumping over the fence of the two properties. Once they were in the back yard, Lt. Doyle, Det. Grieco, and PO Seiger went to the first floor of the building, to knock on the back door. Lt. Doyle, Det. Grieco, and PO Seiger were allegedly allowed inside of the first-floor apartment of the building by a female individual, who was identified as § 87(2)(b) mother. § 87(2)(b) was then placed in handcuffs, and then transported from § 87(2)(b) by the Warrants officers. Lt. Doyle and Det. Grieco, then searched the first floor of § 87(2)(b) after having § 87(2)(b) mother sign a Consent to Search form.

While the other officers from the 75th Precinct were on the first floor, Det. Mayer went into the basement door in the back yard of the residence. Once he was in the basement, he saw § 87(2)(b) and detected the odor of marijuana emanating from a bedroom, which § 87(2)(b) stated was his (**Allegation A**). PO Seiger joined Det. Mayer in the basement of § 87(2)(b) (**Allegation B**). They had him sign a Consent to Search form. In the process of doing so, however, Det. Mayer allegedly threatened to arrest § 87(2)(b) (**Allegation C**). PO Seiger and Det. Mayer then searched § 87(2)(b) bedroom. An officer that § 87(2)(b) did not remember allegedly stopped an occupant of the bedroom that § 87(2)(b) knew only as "§ 87(2)(b)" (**Allegation D**).

During the search, Det. Mayer threatened to arrest § 87(2)(b) over a marijuana grinder that he found in his bedroom. During the search, PO Seiger recovered a box of ammunition from § 87(2)(b) bedroom closet. Lt. Doyle and Det. Grieco went to the basement of the apartment, because Det. Mayer had apprised them that he had planned to search § 87(2)(b) bedroom (**Allegations E and F**). § 87(2)(b) was issued a summons, and then all of the officers left the basement.

As a result of this incident, § 87(2)(b) was arrested for aggravated harassment. His criminal case is currently pending in § 87(2)(b) County Supreme Court. § 87(2)(b) was issued a summons for ammunition. The next court date for this summons is § 87(2)(b).

No video footage was available for this incident.

This case was closed in a period greater than 90 days, because Det. Mayer missed three investigative appointments, and Det. Grieco missed two investigative appointments.

§ 87(2)(g) case.

Mediation, Civil and Criminal Histories

- The arrest in this case, and the number of subject officers involved rendered it unsuitable for mediation.
- On October 12, 2016, a FOIL request to the New York City Office of the Comptroller confirmed that there was no Notice of Claim filed in relation to this incident (Board Review 1).

• § 87(2)(b)

Civilian and Officer CCRB Histories

- This is the first CCRB case involving § 87(2)(b) (Board Review 3).
- Det. Mayer has been a member of service for 10 years. Twelve prior complaints have been filed against him, with a total of 20 prior allegations (Board Review 4).
 - Two prior allegations filed against Det. Mayer have been closed as substantiated. An entry allegation, in case 20111996, was substantiated, and command discipline was recommended. Det. Mayer received instructions. A stop allegation in case 201207718 was substantiated. The NYPD disposition of this case was not available as of the writing of this report.
 - § 87(2)(g), § 87(4-b)
 - In case 20111996, he received Command Discipline B. § 87(2)(g), § 87(4-b)
 - Two entry allegations filed against Det. Mayer, in cases 201301181 and 20130355, were closed as exonerated.
 - § 87(2)(g)
- PO Seiger has been a member of service for three years. Three CCRB complaints, consisting of five prior allegations, have been filed against him. None of these complaints involve substantiated allegations or entry allegations (Board Review 4).
 - § 87(2)(g)
- Det. Grieco has been a member of service for 10 years. 18 prior complaints, with 37 previous allegations have been filed against him (Board Review 4).

- Two entry allegations, in cases 201111996 and case 201405351, were substantiated against Det. Grieco. In the first case, command discipline was recommended, and Det. Grieco received instructions. In the second, charges were recommended, and Det. Grieco received instructions.
- Additionally, a stop allegation was substantiated against Det. Grieco in case 201207718. In that case, charges were recommended. The NYPD disposition for this case was not available as of the writing of this report.
 - § 87(2)(g), § 87(4-b) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]. The only disciplinary action available at the time of the writing of this report is for his other misconduct citation in case 201111996, for which he received Command Discipline B.
- Three additional improper entries have been alleged against Det. Grieco, in cases 201213223, 201301181, and 201306738. These allegations were closed, as, respectively, complainant unavailable, exonerated, and complainant uncooperative.
- § 87(2)(g) [REDACTED]
[REDACTED]
- Lt. Doyle has been a member of service for 20 years. 16 prior complaints have been filed against him, for a total of 29 allegations (Board Review 4).
 - Lt. Doyle has had three prior entry allegations substantiated against him. In CCRB case 201308582, instructions were recommended, and Lt. Doyle received formalized training. In both CCRB case 201503932 and 201508496, formalized training was recommended. The NYPD dispositions were not available as of the writing of this report.
 - A question allegation was also substantiated against Lt. Doyle in case 201509361. Formalized training was both recommended by the Board and administered by the NYPD.
 - Lt. Doyle has been the subject of four exonerated entry allegations, in CCRB cases 201310004, 201604022, and two entry allegations within case 201605201.
 - § 87(2)(g) [REDACTED]
[REDACTED]

Potential Issues

- § 87(2)(b) [REDACTED] could not identify the individual who lives in the bedroom next to his by name, other than, “§ 87(2)(b) [REDACTED]” and he could not be located by the investigation.

Findings and Recommendations

Allegations not pleaded

- **Abuse:** An entry allegation is not being pleaded for a residence next door to § 87(2)(b) [REDACTED] because no witness to the entry participated in a complaint.
- **Abuse:** An entry and search allegation is not being pleaded for the first floor of § 87(2)(b) [REDACTED] because § 87(2)(b) [REDACTED] stated that the first-floor residents allowed the police inside of the apartment. Though multiple officers in this case acknowledged

searching the first floor of the apartment, no civilian made an allegation that this was done.

- **Abuse:** A threat of property damage allegation is not being pleaded. § 87(2)(b) alleged that PO Seiger told him that he was lucky that the officers were not breaking the walls to find a firearm. This statement, as alleged, does not constitute a threat, and therefore, is not being pleaded.
- **Abuse:** Stop and question allegations are not being pleaded for § 87(2)(b) because he received a summons as a result of this incident.
- **Abuse:** A search allegation is not being pleaded for the room of the individual § 87(2)(b) § 87(2)(b) knew only as “§ 87(2)(b)” because § 87(2)(b) did not remember seeing officers inside of the room.

Allegation A—Abuse of Authority: Detective Robert Mayer entered and searched the basement apartment of § 87(2)(b) in Brooklyn.

Allegation B—Abuse of Authority: Police Officer Michael Seiger entered and searched the basement apartment of § 87(2)(b) in Brooklyn

Allegation C—Abuse of Authority: Detective Robert Mayer threatened to arrest § 87(2)(b)

Allegation E—Abuse of Authority: Detective David Grieco entered and searched the basement apartment of § 87(2)(b) in Brooklyn.

Allegation F—Abuse of Authority: Lieutenant Michael Doyle entered and searched the basement apartment of § 87(2)(b) in Brooklyn.

It is undisputed that Lt. Doyle, Det. Grieco, Det. Mayer, and PO Seiger went to § 87(2)(b) as part of a “warrant sweep,” that is, that they were attempting to apprehend individuals within the confines of the 75th Precinct who had open arrest warrants. At the time of the incident, there existed an arrest warrant for § 87(2)(b) § 87(2)(b) from Baltimore, Maryland, which involved armed robbery. There was also, for § 87(2)(b) § 87(2)(b) an I-card with probable cause to arrest, for aggravated harassment, from New York City. It is undisputed that Det. Mayer was assigned to watch the rear of the building, and that he did so from a cross street, approximately 50 to 75 feet away.

It is undisputed that both § 87(2)(b) and another, unidentified male individual, who resides on the first floor of the apartment, were in the back yard of the building, talking, while Det. Mayer was watching. It is undisputed that they briefly shared a marijuana joint while they were in the back yard, and then went back into the building. It is undisputed that after they went back into the building, Lt. Doyle, Det. Grieco, Det. Mayer, and PO Seiger gained access to the back yard, by going into a neighbor’s residence, and then jumping over the fence between the two back yards. It is undisputed that after they did so, Det. Mayer approached the basement of the building, and Lt. Doyle, Det. Grieco, and PO Seiger approached the front door to knock on it.

It is undisputed that after the officers knocked on the door, § 87(2)(b) looked at the officers through a window of the apartment, and then walked away from them. An unidentified female occupant of the first-floor apartment allowed Lt. Doyle, Det. Grieco, and PO Seiger into the first-floor back door. It is undisputed that § 87(2)(b) walked to the first-floor front door while this was happening.

§ 87(2)(b) was directed by an unidentified male occupant of the first floor to open the first-floor front door for the Warrant Squad officers, who were knocking on the first-floor front

door. § 87(2)(b) then opened the first-floor front door for the Warrant Squad officers, whom he saw only in the first-floor apartment of the building.

It is undisputed that during or shortly after the apprehension of § 87(2)(b) Det. Mayer and PO Seiger searched § 87(2)(b) bedroom, in the basement of § 87(2)(b). When they did this, they had § 87(2)(b) sign a Consent to Search form. The circumstances under which they had this form signed, however, and the extent to which they searched the basement, are in dispute.

§ 87(2)(b) testified that when he attempted to return to his bedroom, which was in the basement of § 87(2)(b) after officers had come to the first floor of the building, there were already officers inside of the basement. He stated that Det. Mayer, Det. Grieco, and PO Seiger were searching his bedroom, flipping the mattress, and searching the dresser and the closet. There were also officers searching a storage closet, and a storage space that was next to a flight of stairs. He stated that after the officers searched his bedroom, and recovered a box of ammunition that had been in his closet, Det. Mayer asked him to sign a form. Det. Mayer stated that he would not be placed under arrest if he signed the form. § 87(2)(b) stated that he signed the form to avoid being taken into police custody (Board Review 5).

Det. Mayer stated that he had obtained information, via a prisoner debriefing, that § 87(2)(b) had a firearm inside of § 87(2)(b). He could not state how old this information was, nor from whom it was obtained. Det. Mayer testified that when he was watching the back of the building, he saw two individuals go in and out of the residence. They both fit the description of § 87(2)(b) black male individuals in their twenties. The first male had long braids, unlike the photograph of § 87(2)(b) that was in Det. Mayer's possession, in which he had shorter braids. The male individual with long braids went into the first floor of the residence. Shortly thereafter, a black male individual in his late twenties with shoulder-length braids went into the basement of the apartment from the first floor. After seeing this individual, Det. Mayer informed Lt. Doyle, Det. Grieco, and PO Seiger via point-to-point radio that someone matching the description of the subject of the warrant had gone into the building. Lt. Doyle, Det. Grieco, and PO Seiger then came to the back of the building, and went into the first floor.

Det. Mayer then stated that he saw that the back door to the basement was open, and he went inside, to look for the male with the shorter braids that he had seen earlier. Upon entry, Det. Mayer detected the odor of marijuana, emanating from a bedroom. He saw § 87(2)(b) and immediately perceived that he was not § 87(2)(b). He asked § 87(2)(b) if he could search § 87(2)(b) bedroom, given that he had smelled marijuana, and § 87(2)(b) stated that he could. § 87(2)(b) allegedly told the officers that he had a box of ammunition in his room, given to him by § 87(2)(b). Det. Mayer then stated that he and PO Seiger searched § 87(2)(b) room, after the consent to search form was signed. PO Seiger recovered a box of ammunition from the closet of § 87(2)(b) bedroom, for which a summons was issued to § 87(2)(b). Det. Mayer denied telling § 87(2)(b) that he could be arrested for any item found in his room, and denied that any other officer did so. PO Mayer additionally did not remember whether any other area, rather than § 87(2)(b) room, was searched (Board Review 6).

PO Seiger testified that he initially gained access to the building through the first-floor back entrance with Lt. Doyle, and Det. Grieco. Shortly after Lt. Doyle received verbal permission from one of the occupants of the apartment to go in, PO Seiger saw that another officer, he did not remember who, was going into the basement of the building, so PO Seiger followed him. Once PO Seiger was inside of the basement, he presented § 87(2)(b) with a Consent to Search form, and § 87(2)(b) signed the form. Per PO Seiger's statement, no officer threatened to

arrest § 87(2)(b) before he signed this form, or at any other time during the incident. He also stated that only § 87(2)(b) bedroom was searched during this incident; no other area was searched. PO Seiger also stated that he did not remember any other civilians being present during the search, and that he did not remember searching any other part of the apartment (Board Review 7).

Lt. Doyle testified that he gained access to the first floor of § 87(2)(b) and searched it, after § 87(2)(b) was apprehended. During this search, he was told by Det. Mayer that he was going to obtain consent to search from an occupant in the basement, after that individual admitted to possessing ammunition in his bedroom. Shortly thereafter, Lt. Doyle came to the basement of § 87(2)(b) after Det. Mayer and PO Seiger already made contact with § 87(2)(b). He remembered verifying the consent to search form signed by § 87(2)(b) but he did not remember being present when the form was signed. He did not remember any officer telling § 87(2)(b) that he could avert being placed under arrest by signing the consent to search form. He additionally did not remember any area other than § 87(2)(b) bedroom being searched, and he did not remember any additional civilians being present at the location (Board Review 8).

Det. Grieco's testimony largely mirrored Lt. Doyle's, in that he gained access to the first floor of the building, and located § 87(2)(b) within several minutes of the officers' arrival. He also stated that he searched the first floor of the residence with the written consent of one of the occupants. During this search, he did not remember at which point, he was informed by Det. Mayer that he was in the basement of the building. By the time Det. Grieco concluded his search of the first floor, and went to the basement, Det. Mayer and PO Seiger had already established contact with § 87(2)(b). Det. Grieco did not remember any officer telling § 87(2)(b) that he could be arrested for anything in his room. Det. Grieco did not remember any other area of the basement of § 87(2)(b) being searched, except perhaps a common area (Board Review 9).

During his CCRB interview, § 87(2)(b) claimed that he rents out his own room as a separate unit from the rest of the household, and that the basement of § 87(2)(b) is treated as a single-room occupancy. He also stated that there are two other apartments in the building, on the first and second floors, respectively. Det. Mayer stated that he immediately perceived the basement of the building as a single-room occupancy upon his entry. Neither Lt. Doyle, Det. Grieco, nor PO Seiger was able to ascertain whether the basement of the residence was a discrete unit from the first floor. NYC GovMaps lists § 87(2)(b) as having two residential units, but does not specify which floors comprise these units (Board Review 10).

It is undisputed that Det. Mayer and PO Seiger entered and searched the basement of § 87(2)(b) and that Lt. Doyle and Det. Grieco entered this basement § 87(2)(b), § 87(2)(g)

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§ 87(2)(b), § 87(2)(g)

Allegation D- Abuse of Authority: An officer stopped an individual.

In his interview, § 87(2)(b) testified that an officer stopped and ran the identification of the male individual who occupies the bedroom in the basement next to his. He was not able to provide a description for this officer, or to ascribe any additional actions to him (Board Review 5).

No officer remembered any civilian besides § 87(2)(b) being in the basement of § 87(2)(b) at the time that the basement was searched (Board Reviews 6, 7, 8, 9).

§ 87(2)(b), § 87(2)(g)

Squad #9

Investigator:	_____	_____	_____
	Signature	Print	Date

Squad Leader:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date